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PATENT
Attorney Docket 054160-5060

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Tsuneji Suzuki <i>et al.</i>)	Confirmation No. 7720
)	
Application No. 10/049,666)	Group Art Unit: 1615
)	
Filed: February 15, 2002)	Examiner: Gollamudi S. Kishore
)	
For: Pharmaceutical Agent Comprising a Benzamide Derivative as Active Agent)	<u>Date: December 4, 2006</u>

U.S. Patent and Trademark Office
Customer Service Window, Mail Stop AF
Randolph Building
401 Dulany Street
Alexandria, VA 22314

TRANSMITTAL FORM

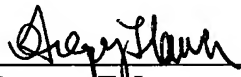
- Further to the Notice of Appeal filed on August 2, 2006, transmitted herewith is an Amendment Under 37 C.F.R. 1.116 in response to the non-final Office Action dated March 2, 2006.
- Extension of Time: The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136(a) apply. This response is being timely filed under the next business day rule on Monday, December 4, 2006 as the due date for responding fell on a weekend (Saturday, December 2, 2006). A Notice of Appeal was filed on August 2, 2006 extending the period for response to October 2, 2006. Applicants petition for an additional two-month extension of time further extending the period for response from October 2, 2006 to December 2, 2006, the fee for which is **\$450.00** as set out in 37 C.F.R. 1.17(a). If Applicants have inadvertently overlooked the need for an additional extension of time, please consider this a Petition therefore. The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.
- Fee Calculation (37 C.F.R. 1.16):

CLAIMS AS AMENDED						
	Remaining		Previously Paid	Extra	Rate	Total Fees
Total Claims	10	minus	36	0	\$50 each=	0.00
Independent Claims	2	minus	3	0	\$200 each=	0.00
First presentation of Multiple dependent claim					\$360.00	0.00
Sub-total =						0.00
Reduction by ½ for filing by a small entity						0.00
Total Fee =						\$0.00

4. Fee Payment: The Commissioner is hereby authorized to charge **\$450.00** to Deposit Account No. 50-0310 for payment of the two-month extension of time fee.
5. Additional Papers Submitted:
(i) Declaration Under 37 C.F.R. 1.132 by Masahiro Sakabe (2 pages)
6. Constructive Petition: **Except** for issue fees payable under 37 C.F.R. 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. 1.136(a)(3).

Dated: **December 4, 2006**
Morgan, Lewis & Bockius LLP
Customer No. **09629**
1111 Pennsylvania Avenue, N.W.
Washington, D.C. 20004
202-739-3000

Respectfully submitted,
Morgan, Lewis & Bockius LLP



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AMENDMENT UNDER 37 CFR 1.116

This Amendment is being filed in response to the Office Action dated March 2, 2006, the time for responding to which has been extended through December 2, 2006 by the filing of a Notice of Appeal on August 2, 2006 and a currently submitted petition for a two-month extension of time and authorization for fee payment. Applicants respectfully request reconsideration of the subject application in view of the enclosed inventor declaration. Because December 2, 2006 fell on a Saturday, this response is being timely filed on Monday, December 4, 2006 under the next business day rule.

Amendments to the Claims begin on page 2 of this paper.

Remarks/Arguments begin on page 6 of this paper.

12/05/2006 JADD01 00000053 500310 10049666
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